



Express Mail No: EL 500 575 635 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Cerami *et al.*

Application No.: 10/017,457

Group Art Unit: 3736

Filed: December 7, 2001

Examiner: To be assigned

For: IMMUNE MODULATION DEVICE
FOR USE IN ANIMALS

Attorney Docket No.: 10162-006-999

DECLARATION OF Michael J. Ryan
IN SUPPORT OF PETITION SUBMITTED UNDER 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Michael J. Ryan, do declare that:

1. I am an associate in the New York office of the firm of Pennie & Edmonds LLP and am employed by Applicants' representative.
2. I make this Declaration in support of the Petition Under 37 C.F.R. § 1.47(a) and the Response to Notice To File Missing Parts Of Nonprovisional Application submitted concurrently herewith for the above-identified application. The Notice To File Missing Parts Of Nonprovisional Application dated March 21, 2002 stated that the declaration was not signed by the inventors. In response, a Declaration For Non-Provisional Patent Application ("Declaration"), executed by three of the six joint inventors, Anthony Cerami, Carla Cerami, Qiao-Wen Xie, Kevor TenHuisen, Joel Rosenblatt, and Ilya Koyfman, and a Power of Attorney from VLN, LLC, the Assignee of the interest of Anthony Cerami, Carla Cerami, and Qiao-Wen Xie in the above-captioned patent application, are being submitted herewith.

3. Inventors Kevor TenHuisen, Joel Rosenblatt, and Ilya Koyfman will not execute the Declaration and Power of Attorney transmitted to them. Pursuant to 37 C.F.R. §1.47(a), I hereby submit proof of the pertinent facts, supporting the above assertion that inventors Kevor TenHuisen, Joel Rosenblatt, and Ilya Koyfman, will not execute a Declaration for the above-captioned patent application.

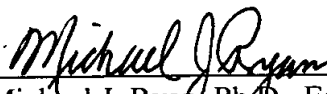
4. On May 28, 2002, a cover letter, a copy of the application as filed, a copy of the Notice to File Missing Parts of Nonprovisional Application mailed March 21, 2002, and a Declaration and Power of Attorney, relating to the above-identified application, were transmitted, by Certified Mail, Return Receipt Requested, to Kevor TenHuisen, Joel Rosenblatt, and Ilya Koyfman. Mr. H. B. Woodrow of Johnson & Johnson was copied on the cover letters. The cover letter requested that, after review of the enclosed application, each addressee sign and date the enclosed Declaration and Power of Attorney and return the executed Declaration and Power of Attorney to Pennie & Edmonds LLP, for filing in response to the Notice to File Missing parts. (A copy of each of the cover letters (to Kevor TenHuisen, Joel Rosenblatt, and Ilya Koyfman) is attached hereto (Exhibits A, B, and C)

5.. The Return Receipt postcards accompanying the letters to Kevor TenHuisen, Joel Rosenblatt, and Ilya Koyfman were received in each instance (A copy of the three return receipts is attached hereto as Exhibit D).

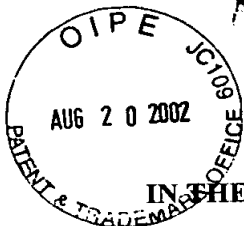
6. On June 22, 2002, I received a letter dated June 19, 2002, from Mr. K. Wissing, Esq. of the Office of General Counsel of Johnson & Johnson, stating that he was in receipt of our letter to Kevor TenHuisen, Joel Rosenblatt, and Ilya Koyfman, that each of these individuals are employees of Johnson & Johnson, and that the Declaration and Power of Attorney would not be executed (A copy of Mr. Wissing's letter of June 19, 2002 is attached hereto as Exhibit E).

7. I declare further that all statements made in this Declaration are of my knowledge and are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date August 20, 2002



Michael J. Ryan, Ph.D., Esq.



POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Anthony Cerami, Carla Cerami, Qiao-wen Xie, Kevor S. TenHuisen, Joel Rosenblatt, and Ilya S. Koyfman

Application No.: 10/107,457

Group Art Unit: 3736

Filed: December 7, 2001

Examiner: To Be Assigned

For: IMMUNE MODULATION DEVICE FOR ANIMALS

Attorney Docket No.: 10162-006-999

Confirmation No.:

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTORS UNDER 37 C.F.R. 3.71
WITH STATEMENT UNDER C.F.R. 3.73(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest of inventors Anthony Cerami, Carla Cerami, and Qiao-wen Xie in the above-identified subject application hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), William J. Sipio (Reg. No. 34514), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20583), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71,

POWER OF ATTORNEY

provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to customer no. 20583.

I am the:

- ☐ Applicant/Inventor
- ☒ Assignee of record of the interest of inventors Anthony Cerami, Carla Cerami, and Qiao-wen Xie. See 37 CFR 3.71. (*Statement under 37 CFR 3.73(b) is applicable*)

Statement Under 37 C.F.R. 3.73(b)

Applied Vaccine Technologies Corp. states that it is the assignee of the entire interest of inventors Anthony Cerami, Carla Cerami, and Qiao-wen Xie in the patent application identified above by virtue of either:

- ☒ An assignment from inventors Anthony Cerami, Carla Cerami, and Qiao-wen Xie of the patent application identified above. The assignment is submitted for recordation on even date herewith and a copy thereof is attached.
- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments of other documents in the chain of title are attached.
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: Applied Vaccine Technologies Corp.

Date:

6/19/02

Signature:

Carla Cerami

Typed Name:

Carla Cerami

Position/Title:

Address:

712 Kitchawan Road

Ossining, New York 010591